

JOURNAL OF THE HOUSE

First Extraordinary Session, 93rd GENERAL ASSEMBLY

FOURTH DAY, Friday, SEPTEMBER 9, 2005

The House met pursuant to adjournment.

Speaker Pro Tem Bearden in the Chair.

There was a moment of silent prayer.

The Pledge of Allegiance to the flag was recited.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCR 1**.

SENATE CONCURRENT RESOLUTION NO. 1

WHEREAS, the United States Fish and Wildlife Service has mandated a man-made "spring rise" for the Missouri River that is purportedly necessary for the survival of the pallid sturgeon, an endangered species; and

WHEREAS, accurately controlling upstream discharges for the "spring rise" is extremely difficult because Missouri weather and flooding are unpredictable, as evidenced by the Missouri River's rise of nine feet in less than eighteen hours twice during a drought period in June of 2005; and

WHEREAS, once water is released for the "spring rise" there are no intervening dams or locks to halt the rise during the ten-day travel time from Gavins Point Dam in South Dakota to St. Louis, Missouri, thereby increasing the risk that such a rise would compound flooding problems resulting from a major rain event; and

WHEREAS, on April 11, 2005, the Judge of the 8th Circuit Court of Appeals recognized that a man-made "spring rise" was the intentional flooding of downstream stakeholders; and

WHEREAS, Federal agencies should not be implementing plans that are known to harm Missouri's farmers solely for the purposes of an experiment to determine whether the "spring rise" will trigger spawning of the pallid sturgeon; and

WHEREAS, a "spring rise" will exacerbate drainage problems on agricultural land which will delay crop planting, destroy crops, and require additional pumping at additional costs for Missouri farmers; and

WHEREAS, by using water in the spring that is needed to support navigation and other uses in the summer, a "spring rise" will shorten the navigation season during times of water shortages causing additional financial burdens on shippers, commercial carriers, and producers; and

WHEREAS, Missouri infrastructure, communities, businesses, farmers, ranchers and the economy all will be put at an increased risk of flooding in the event of a "spring rise"; and

WHEREAS, it is unjust for Missouri consumers, communities, businesses, commercial carriers, farmers and ranchers to bear any additional direct or indirect costs for an unproven experimental plan; and

WHEREAS, many businesses and residential communities along the Missouri River suffered great devastation after the flood of 1993; the intentional flooding of the river through a "spring rise" enhances the risk that such destruction will once again visit these communities, making it harder and ultimately less attractive to rebuild; and

WHEREAS, the economic responsibilities that individual families and businesses have to bear in the face of a devastating flood, like that in 1993, are enormous; to compound and confuse that responsibility with the uncertainties that accompany a "spring rise" places a heavier burden on the backs of those families and businesses:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Third General Assembly, First Extraordinary Session of the First Regular Session, the House of Representatives concurring therein, hereby concur with the Governor of the State of Missouri that all reasonable and necessary action should be taken to prevent the planned man-made "spring rise"; and

BE IT FURTHER RESOLVED that the members of the Missouri Senate, Ninety-Third General Assembly, First Extraordinary Session of the First Regular Session, the House of Representatives concurring therein, respectfully encourage the United States Army Corps of Engineers not to implement an artificial "spring rise," which would increase the risk of flooding for Missourians, thereby being in violation of the 8th U.S. Circuit Court of Appeals' recent ruling, which held that flood control and navigation are the dominant uses of the Missouri River; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Governor of Missouri and the members of the Missouri Congressional delegation.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 1**, entitled:

An act to repeal section 188.080, RSMo, and to enact in lieu thereof three new sections relating to abortion, with penalty provisions and an emergency clause.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 4**, entitled:

An act to repeal section 287.110 as enacted by the first regular session of the ninety-third general assembly in conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill nos. 1 & 130 and approved by the governor on March 30, 2005, and to enact in lieu thereof one new section relating to the applicability of workers' compensation law, with an emergency clause.

Emergency clause defeated.

In which the concurrence of the House is respectfully requested.

REFERRAL OF SENATE CONCURRENT RESOLUTION

The following Senate Concurrent Resolution was referred to the Committee indicated:

SCR 1 - Conservation and Natural Resources

The following members' presence was noted: Sanders Brooks, Brown (30), Day, Dempsey, Dusenberg, Henke, Hoskins, Hubbard, Hughes, Kingery, Kratky, Selby, Stefanick, Stevenson, Wright (137) and Wright-Jones.

ADJOURNMENT

On motion of Speaker Pro Tem Bearden, the House adjourned until 10:00 a.m., Monday, September 12, 2005.

COMMITTEE MEETINGS

BUDGET

Wednesday, September 14, 2005, Hearing Room 3 upon afternoon adjournment.
Discuss letters of intent.

CHILDREN AND FAMILIES

Monday, September 12, 2005, 1:00 p.m. Hearing Room 3.
Public hearing to be held on: SB 1
Executive session may follow.

CONSERVATION AND NATURAL RESOURCES

Monday, September 12, 2005, 12:00 p.m. Hearing Room 4.
Public hearing to be held on: SCR 1
Possible Executive session.

INTERIM COMMITTEE ON STUDENT-BASED HIGHER EDUCATION FUNDING REFORM MODELS

Tuesday, September 13, 2005, 9:00 a.m. Hearing Room 3.
Brief fifteen minute organizational meeting.

JOINT COMMITTEE ON TAX POLICY

Monday, September 12, 2005, 12:00 p.m. Hearing Room 6.
Tax Credit Panel. Department of Revenue - MO Tax Code. Department of Economic Development.

JOINT COMMITTEE ON TERRORISM, BIOTERRORISM AND HOMELAND SECURITY

Wednesday, September 14, 2005, 9:00 a.m. Hearing Room 7.
Public testimony--enhancement of Homeland Security and prevention. AMENDED

MEDICAID REFORM COMMISSION

Monday, September 12, 2005, 10:00 a.m. Hearing Room 7.

Medicaid Reform in other states.

If requesting to testify notify Senator Shield's office 573-751-9476.

MEDICAID REFORM COMMISSION

Tuesday, September 13, 2005, 8:00 a.m. Hearing Room 7.

Medicaid managed care.

To testify notify Senator Shield's office 573-751-9476.

MEDICAID REFORM COMMISSION

Wednesday, September 14, 2005, 8:00 a.m. Hearing Room 7.

Provider testimony.

To testify notify Senator Shield's office 573-751-9476.

MEDICAID REFORM COMMISSION

Thursday, September 15, 2005, 8:00 a.m. Hearing Room 7.

Provider testimony and prevention.

To testify notify Senator Shield's office 573-751-9476.

SUBCOMMITTEE ON JOINT COMMITTEE ON TRANSPORTATION OVERSIGHT

Tuesday, September 13, 2005, 1:30 p.m. Hearing Room 6.

Discussion of hiring procedures for filling the position of Inspector General.

UTILITIES

Wednesday, September 14, 2005, 4:30 p.m. Hearing Room 6.

Informational meeting with Public Service Commission

WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY

Monday, September 12, 2005, 4:00 p.m. Hearing Room 3.

Public hearing to be held on: SB 4

Executive session will follow. AMENDED

HOUSE CALENDAR

FIFTH DAY, MONDAY, SEPTEMBER 12, 2005

HOUSE BILLS FOR PERFECTION

- 1 HCS HB 2 - Lipke
- 2 HCS HB 3 - Pratt
- 3 HCS HB 1 - Cunningham (86)

SENATE BILLS FOR SECOND READING

- 1 SB 1
- 2 SB 4

